

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

DOMINO’S PIZZA MASTER ISSUER LLC
and DOMINO’S PIZZA IP HOLDER LLC,

Plaintiffs,

11-cv-11133
Honorable Gerald E. Rosen

v.

CHUNG DANG and CAMPUS PIZZA,

Defendants.

ORDER DENYING PLAINTIFFS’ MOTION FOR DEFAULT JUDGMENT

Before the Court is a motion for default judgment filed by Plaintiffs Domino’s Pizza Master Issuer LLC and Domino’s Pizza IP Holder LLC (“Plaintiffs”). Plaintiffs’ complaint alleges multiple counts stemming from an alleged breach of a franchise agreement and concomitant trademark violations committed by Defendants Chung Dang and Campus Pizza (“Defendants”). Defendants have not appeared in this case. They have not filed an answer to Plaintiffs’ complaint, and they did not respond when Plaintiffs’ requested a temporary restraining order. On this basis, Plaintiffs seek entry of default judgment and an award of costs.

However, the Court will deny Plaintiffs’ motion because Plaintiffs have yet to seek, let alone receive, entry of default under Rule 55(a). Fed. R. Civ. P. 55(a). This is a prerequisite to entry of default judgment. *See, e.g., Johnson v. Dayton Elec. Mfg. Co.*, 140 F.3d 781, 783 (8th Cir. 1998); *Bell v. Prefix, Inc.*, No. 05-74311, 2009 WL 2878521, at *2 (E.D. Mich. Sept. 3, 2009); *Loeb v. Hartz Mountain Dev. Corp. (In re Loeb)*, No. 06-13743, 2006 WL 3104598, at *2-*3 (E.D. Mich. Oct. 31, 2006). Accordingly, Plaintiff is not presently entitled to a default judgment. Therefore,

IT IS HEREBY ORDERED that Plaintiffs motion for default judgment [Dkt. #37] is
DENIED.

s/Gerald E. Rosen
Chief Judge, United States District Court

Dated: May 3, 2012

I hereby certify that a copy of the foregoing document was served upon counsel of record on
May 3, 2012, by electronic and/or ordinary mail.

s/Ruth A. Gunther
Case Manager
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